

# **EXHIBIT 1**

## **AFFIDAVIT OF HOLLY VERMEULEN**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CARMEN BIGIO, Individually and  
on Behalf of All other person similarly situated,

Plaintiff,

Civil Action No. 07-4622 (GEL)

-against-

JP MORGAN CHASE & CO.,

Defendant.

**DECLARATION OF HOLLY VERMEULEN**

I, Holly Vermeulen, hereby declare and state as follows:

1. I am employed by JPMorgan Chase & Co. in the position of Payroll & Tax Operations Manager. I have knowledge of the following facts and, if called as a witness, I could competently testify to them.

2. One of my job duties as Payroll & Tax Operations Manager is the management and maintenance of payroll records of current and former employees of JPMorgan Chase Bank, National Association ("JPMorgan Chase"), including bank tellers in New York.

3. I have access to personnel and benefits files and payroll records for all of JPMorgan Chase, which are kept in the ordinary course of business.

4. Plaintiff Carmen Bigio was employed by JPMorgan Chase as a bank teller beginning on February 1, 2001.

5. In 2001, Ms. Bigio was paid a regular hourly rate of pay of no less than \$9.89 per hour and worked a 35-hour workweek.

6. In 2002, Ms. Bigio was paid a regular hourly rate of pay of no less than \$10.32 per hour and worked a 35-hour workweek.

7. In 2003, Ms. Bigio was paid a regular hourly rate of pay of no less than \$10.32 per hour and worked a 35-hour workweek.

8. In 2004, Ms. Bigio was paid a regular hourly rate of pay of no less than \$9.23 per hour and worked a 40-hour workweek.

9. In 2005, Ms. Bigio was paid a regular hourly rate of pay of no less than \$9.41 per hour and worked a 40-hour workweek.

10. In 2006, Ms. Bigio was paid a regular hourly rate of pay of no less than \$12.50 per hour and worked a 40-hour workweek.

11. She was paid for all overtime hours worked at one and one-half times her regular rate.

12. JPMorgan Chase pays employees on a semi-monthly basis, i.e., on the 15th of the month and the last day of the month.

13. JPMorgan Chase pay employees for all regular hours worked for each semi-monthly pay period on a current basis (i.e., an employee receiving a pay check on the 15<sup>th</sup> of the month reflects pay for all regular hours worked the 1st through the 15th days of that month).

14. Overtime hours, however, are not necessarily reflected in the same pay period in which the overtime was actually worked.

15. Like most employers, JPMorgan Chase pays overtime compensation in subsequent payroll periods and overtime worked during the first half of the month might not be paid until the pay check on the last day of the month.

16. A review of JPMorgan Chase's Payroll 2006 Time Calendar, which is attached, reflects this practice. For example, January 4, 2006 was the deadline for the entry of overtime hours worked during the period December 19, 2005 to January 1, 2006, and all overtime worked


during that period would be paid in the following pay period, i.e., the pay period ending January 15, 2006. (See Exhibit A, Payroll 2006 Time Calendar.)

17. Attached hereto as Exhibit B is a true and correct copy of JPMorgan Chase's semi-monthly payroll register for Plaintiff for the pay period ending January 15, 2006. Exhibit C is a true and correct copy of JPMorgan Chase's semi-monthly payroll register for Plaintiff for the pay period ending October 31, 2005. Exhibit D is a true and correct copy of JPMorgan Chase's semi-monthly payroll register for Plaintiff for the pay period ending September 15, 2004. JPMorgan Chase's payroll registers are maintained in the ordinary course of business.

18. Ms. Bigio's payroll statement for the payroll period ending January 1, 2006 has two overtime entries. The first entry reflects 5.08 hours worked during the pay period ending December 31, 2005 at which time her regular rate was \$9.41. The second overtime entry reflects 8.50 hours worked during the current pay period (ending January 1, 2006), at which time her regular rate had increased to \$12.50.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 23, 2007.

  
Holly Vermeulen

**TAB A**

**TO EXHIBIT 1**

**PAYROLL 2006 TIME CALENDAR**

## Payroll 2006 Time Calendar

Pay Date	Pay Period (Salary)	Time Entry Period (for all) Pay Period(Hrly)	Time & Attendance system Cut-Off for: Employee Input & Mgr corrections (5:00 PM Eastern)	Time & Attendance system Cutoff for: Timekeeper Input & Manager approvals (5:00 PM Eastern)	On-Line Timecard system Cutoff for: Manager approvals (5:00 PM Eastern)
01/13/06	01/01 - 01/15	12/19 - 01/01	01/04/06	01/05/06	01/04/06
01/31/06	01/16 - 01/31	01/02 - 01/15	01/20/06	01/23/06	01/20/06
02/13/06	02/01 - 02/15	01/16 - 01/29	02/06/06	02/07/06	<b>02/03/06</b>
02/28/06	02/16 - 02/28	01/30 - 02/12	02/16/06	02/17/06	02/16/06
03/15/06	03/01 - 03/15	02/13 - 02/26	03/06/06	03/07/06	<b>03/03/06</b>
03/31/06	03/16 - 03/31	02/27 - 03/12	03/22/06	03/23/06	<b>03/17/06</b>
04/15/06	04/01 - 04/15	*03/13 - 04/02*	04/05/06	04/06/06	04/05/06
04/28/06	04/16 - 04/30	04/03 - 04/16	04/19/06	04/20/06	04/19/06
05/15/06	05/01 - 05/15	04/17 - 04/30	05/04/06	05/05/06	05/04/06
05/31/06	05/16 - 05/31	05/01 - 05/14	05/19/06	05/22/06	05/19/06
06/15/06	06/01 - 06/15	05/15 - 05/28	06/06/06	06/07/06	<b>06/02/06</b>
06/30/06	06/16 - 06/30	05/29 - 06/11	06/21/06	06/22/06	<b>06/16/06</b>
07/14/06	07/01 - 07/15	*06/12 - 07/02*	07/05/06	07/06/06	07/05/06
07/31/06	07/16 - 07/31	07/03 - 07/16	07/20/06	07/21/06	07/20/06
08/15/06	08/01 - 08/15	07/17 - 07/30	08/04/06	08/07/06	08/04/06
08/31/06	08/16 - 08/31	07/31 - 08/13	08/22/06	08/23/06	<b>08/18/06</b>
09/15/06	09/01 - 09/15	08/14 - 08/27	09/06/06	09/07/06	09/06/06
09/29/06	09/16 - 09/30	*08/28 - 09/17*	09/20/06	09/21/06	09/20/06
10/13/06	10/01 - 10/15	09/18 - 10/01	10/03/06	10/04/06	10/03/06
10/31/06	10/16 - 10/31	10/02 - 10/15	10/20/06	10/23/06	10/20/06
11/15/06	11/01 - 11/15	10/16 - 10/29	11/06/06	11/07/06	<b>11/03/06</b>
11/30/06	11/16 - 11/30	10/30 - 11/12	11/20/06	11/21/06	<b>11/17/06</b>
12/15/06	12/1 - 12/15	*11/13 - 12/03*	12/06/06	12/07/06	12/06/06
12/29/06	12/16 - 12/31	12/04 - 12/17	12/19/06	12/20/06	12/19/06

\* means three week time entry period\*

Version Effective: 11/22/05

This schedule is based on Eastern Daylight Savings time during April through October.

**TAB B**

**TO EXHIBIT 1**

**PAYROLL REGISTER FOR  
PAY PERIOD ENDING 01/15/2006**

Report ID: CUPAY002(PSPRD69) JPMorgan Chase  
 Payroll Co: The Chase Manhattan Bank (# 001 ) GL Co: 0102 PAYROLL REGISTER  
 Pay Period End: 01/15/2006 On/Off Cycle

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Employee Name/ID Dept. ID Business Unit	Form ID	Check Date	Check No.	Hours	REGULAR Earnings	OVERTIME Hours	OVERTIME Earnings	Hours	OTHER Earnings	Gross Pay	Taxes Type	Deductions Code	Net Pay
Bigio, Carmen W	MCMB	01/13/2006	86.67	1,083.33						1,581.54	98.06 OASDI 22.93 MEDI 164.11 FWT 1.30 NYSDI 66.18 NYSWT 40.35 P0001	0.95 00-AD&D 0.05 00-CHDADD	1,187.61 A
323096													
00788													
USNY2													
Department Total			78.67	983.33	0.00	0.00	598.21			1,581.54	392.93	1.00	1,187.61 0.00 1,187.61 A

Source Legend: K = Batch Final L = On-line Final O = On-line



**TAB C**

**TO EXHIBIT 1**

**PAYROLL REGISTER FOR  
PAY PERIOD ENDING 10/31/2005**

Report ID: CUPAY002(PSPRD89)  
 Payroll Co: The Chase Manhattan Bank (# 001 ) GL Co: 0102  
 Pay Period End: 10/31/2005

JPMorgan Chase  
 PAYROLL REGISTER  
 On/Off Cycle

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 Run Time 08:23:09

Employee Name/ID	Form ID	REGULAR	OVERTIME	Hours	Earnings	Type	Hours	Earnings	Gross Pay	Taxes Type	Deductions Code	Net Pay
Bigio, Carmen W	MCMB	86.67	816.25			SIF		70.00	1,114.68	69.11 OASDI	0.95 00-ADAD	873.71 A
32036	10/31/2005 AG011077418					OTF	1.17	16.53		16.16 MEDI	0.05 00-CHCAAD	
00788						HOL	8.00	75.34		95.74 FWT		
USNY2		32.00-	301.37-			OTF	15.00	211.90		1.30 NYSDI		
						VAC	24.00	226.03		35.08 NYSWT		
										22.58 P0001		
Department Total		54.67	514.88	0.00	0.00		48.17	599.60	1,114.68	239.97	1.00	873.71
												0.00
												873.71 A

Source Legend: K = Batch Final L = On-line Final O = On-line

**TAB D**

**TO EXHIBIT 1**

**PAYROLL REGISTER FOR  
PAY PERIOD ENDING 09/15/2004**

Report ID: CUPAY002(PSPRDS9)  
 Payroll Co: The Chase Manhattan Bank (# 001 ) GL Co: 0102  
 Pay Period End: 09/15/2004

JPMorgan Chase  
 PAYROLL REGISTER  
 On/Off Cycle

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 Run Time 08:23:09

Employee Name/ID Dept. ID Business Unit	Form ID	Check Date	Check No.	Hours	Earnings	REGULAR	OVERTIME	Hours	Earnings	OTHER	Hours	Earnings	Gross Pay	Taxes Type	Deductions Code	Net Pay
Bigio, Carmen W 323096 00743 USNY2	MCMB	09/15/2004	A0007611903	78.67	726.16	11.08	153.41						879.57	54.53 OASDI 12.76 MEDI 61.94 FWT 1.30 NYSDI 21.44 NYSWT 14.11 P0001	0.99 00-AD&D 0.06 00-CHDADD	712.44 A
Bigio, Carmen W 323096 00743 USNY2	MCMB	09/15/2004	A0007611904										400.50	24.83 OASDI 5.86 MEDI 100.13 FWT 32.84 NYSWT 19.22 P0001		217.68 A
Department Total				78.67	726.16	11.08	153.41	0.00	400.50				1,280.07	348.90	1.05	930.12 0.00 930.12 A

Source Legend: K = Batch Final L = On-line Final O = On-line

**TAB E**

**TO EXHIBIT 1**

**PAYROLL REGISTER FOR  
PAY PERIOD ENDING 12/31/2005**

Report ID: CUPAY002(PSPRD89) JPMorgan Chase  
 Payroll Co: The Chase Manhattan Bank (# 001 ) GL Co: 0102 PAYROLL REGISTER  
 Pay Period End: 12/31/2005 On/Off Cycle

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 Run Date 06/05/2007  
 Run Time 08:23:09

Employee Name/ID Dept. ID Business Unit	Form ID	Check Date	Check No.	Hours	REGULAR Earnings	OVERTIME Hours	OVERTIME Earnings	Hours	OTHER Earnings	Gross Pay	Taxes Type	Deductions Code	Net Pay
Bigio, Carmen W 33086 00788 USNY2	MCMB	12/30/2005	A0011657350	86.67	816.25					891.70	55.28 OASDI 12.93 MEDI 62.30 FWT 1.30 NYSDI 22.08 NYSWT 14.49 P0001	0.95 00-AD&D 0.05 00-CHDADD	722.32 A
Department Total				86.67	816.25	0.00	0.00	0.00	75.45	891.70	168.38	1.00	722.32 0.00 722.32 A

Source Legend: K = Batch Final L = On-line Final O = On-line